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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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YATRAM INDERGIT, on behalf of :
himself and all others :
similarly situated, :

Plaintiff, : ORDER

-against- :

RITE AID CORPORATION, et al., :

Defendants. :

-----X

PITMAN, United States Magistrate Judge:

A digitally-recorded conference call having been held on October 1, 2015, during which the issues raised in the parties' July 2, 2015 letter to Judge Oetken were discussed, after hearing counsel for both sides, for the reasons stated on the recording of the call, it is hereby ORDERED that:

1. With respect to the additional depositions of the FLSA Opt-Ins and New York Class Members, neither side need disclose exhibits that will be used solely for impeachment prior to the commencement of each deposition.

2. With respect to defendants' application to reopen the depositions of the plaintiffs who were previously deposed, defendants may reopen the deposi-

tions of three of those plaintiffs for a maximum of three hours. This order is without prejudice to defendants' right to move to reopen an additional six depositions for a maximum of three hours and without prejudice to plaintiffs' right to seek a protective order precluding the depositions permitted herein or the further examination of any witness previously deposed if it appears that defendants are using the re-opened depositions to replot ground that was previously covered.

3. I am reserving decision regarding defendants' application to depose New York Class Members who have not elected to participate in the FLSA collective.

4. With respect to plaintiffs' application to depose non-district-manager corporate-level witnesses, plaintiff is to start by deposing two such individuals without prejudice to their right to seek additional

depositions if those two depositions prove to be inadequate.

Dated: New York, New York
October 3, 2015

SO ORDERED


HENRY PITMAN
United States Magistrate Judge

Copies transmitted to:

All Counsel